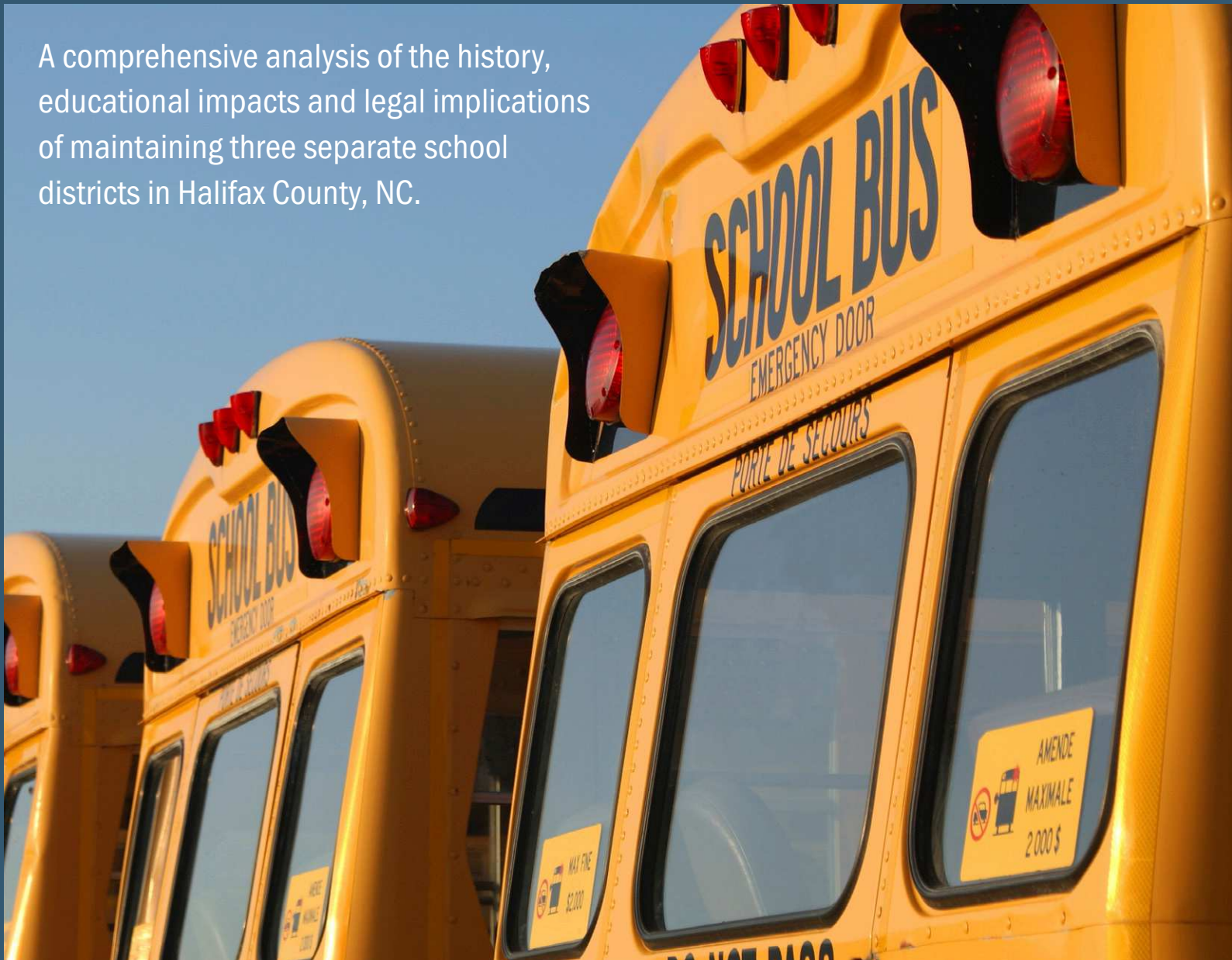



*The UNC
Center for
Civil Rights*

“Unless Our Children Begin to Learn Together...”

The State of Education in Halifax County, North Carolina

A comprehensive analysis of the history, educational impacts and legal implications of maintaining three separate school districts in Halifax County, NC.





In 2009, the UNC Center for Civil Rights began working in Halifax County, North Carolina on a varied and seemingly unrelated number of education and community inclusion matters. Despite the range of issues the Center's clients were facing, a consistent theme emerged, as the parents, teachers, activists and community members with whom we worked all repeated, in various ways: "Something is very wrong with the schools in this county."

The development and maintenance of three separate, racially segregated school districts in Halifax County is a continuing violation of the constitutional rights of students and severely undermines the quality of education provided by the public schools throughout the county. The county's three districts – Halifax County Public Schools (HCPS), Weldon City Schools (WCS) and Roanoke Rapids Graded School District (RRGSD) – remain among the most segregated in the state and are tainted by the ongoing impacts of the legacy of Jim Crow segregation. By maintaining this tripartite system, Halifax County and the state more deeply entrench racial segregation in the community, limit the educational resources available to students based on their race, cause irreparable harm to the academic opportunities for all children in the county, and stunt the economic viability of the region.

SEGREGATION AND RESEGREGATION IN NORTH CAROLINA

In North Carolina, a majority of Black and Hispanic students attend schools composed primarily of a non-White student body. These intensely segregated schools are typically characterized by high poverty rates, lower teacher quality, less rigorous curricula and inadequate funding.

The Center for Civil Rights' ongoing work with parents, communities and education advocates across the state has demonstrated why North Carolina is an ideal state to critically examine the issues of school segregation and integration. School districts across the state are at various stages of the historical trajectory from segregation to integration and, more recently, back to resegregation. At one extreme is Charlotte-Mecklenburg Schools (CMS), a district that produced the seminal Supreme Court case authorizing the use of busing to achieve integration. Following that litigation, CMS so successfully desegregated its schools that in 2000, the federal court declared it was fully integrated (legally, "unitary") and released the district from judicial oversight. Since that time, Charlotte-Mecklenburg schools have resegregated and are now nearly as racially isolated as they were before the 1971 Court ruling.

There are also counties like New Hanover and Wayne, which operate schools districts that, like CMS, were once under court order

to desegregate but have since been declared unitary. In the wake of their removal from the court's jurisdiction, these districts have created and continue to pursue racially resegregative student assignment and attendance plans that reinforce patterns of residential segregation and create high poverty, racially isolated schools. Pitt County Schools remain under an active 1970 federal court desegregation order, but the board there still refused to consider race in its most recent student reassignment plan, adopting instead a model that closes a historic African American school and increases racial segregation and isolation of high-poverty students. Finally, at the other extreme, there are a number of counties like Halifax, which never actually or effectively desegregated in the first place.

Halifax County is one of the most economically distressed counties in North Carolina – a geographically large rural county with low-density population and stagnant or declining public school enrollment. It is also one of the few counties in North Carolina that maintains three separate school districts. All three are small; together they serve approximately 8,000 students. Halifax County's most unique characteristic, however, is the stark racial and socioeconomic isolation of its students, which has its origins in the state-sanctioned segregation that led to the creation of the tripartite system. In a county that is only 39 percent White overall, HCPS and WCS are both almost 100 percent non-White, while RRGSD is over 70 percent

“Unless our children begin to learn together, there is little hope that our people will ever learn to live together.”

—JUSTICE THURGOOD MARSHALL, *MILLIKEN V. BRADLEY* (1974)

White. The school districts’ free and reduced lunch (FRL) percentages, the standard measure of poverty in schools, are similarly disparate: 90 percent of HCPS and 95 percent of WCS students are FRL-eligible, while only 51 percent of RRGSD students meet this poverty level.¹

THE LEGACY OF SEGREGATION

To suggest that the racial and socioeconomic disparities between the two predominantly Black districts and RRGSD are a demographic happenstance is historically dishonest. In the mid-1930s, Roanoke Rapids’ population was almost entirely White, due to Jim Crow laws that barred Blacks from economic opportunities afforded by the town’s textile industry. Although Blacks constituted the overwhelming majority of the county population, they were a minority in the county’s towns through the 1960s. HCPS was a majority-Black school district in the mid-1930s, while WCS was majority White, albeit with a significantly greater number of Black students than RRGSD. Until the enforcement of the Civil Rights Act of 1964, each district separated students by race, depriving Black students of the same educational resources that were afforded White children.

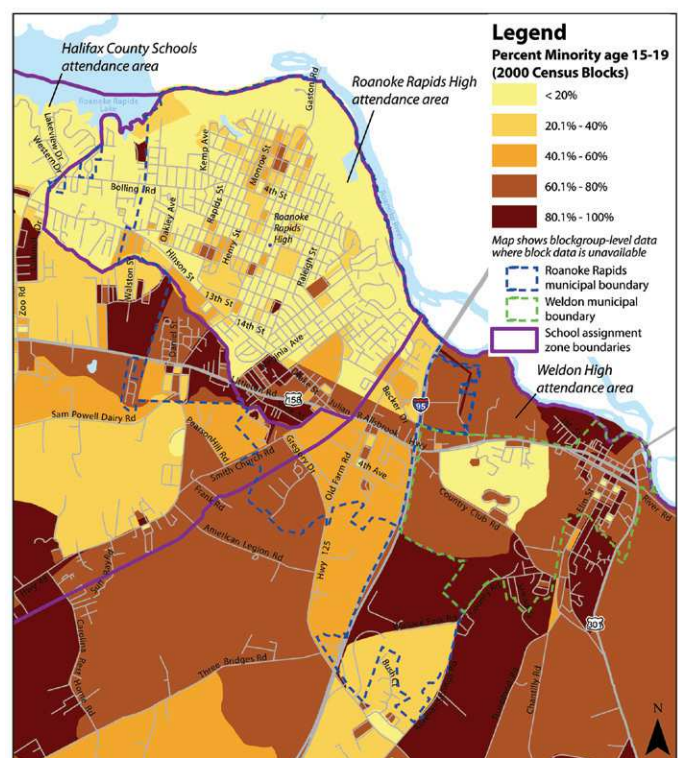
When the federal government began to insist that school districts in the South start to desegregate, Whites in Halifax County became acutely conscious of their minority status and scrambled to either create or maintain “White enclaves” to insulate themselves from integration. RRGSD was already substantially insulated: in 1965, it had only a few hundred Black students, all of whom attended the district’s only “Negro” school, the K-12 Chaloner School. HCPS and RRGSD had an arrangement that permitted HCPS students to cross the district boundary to attend Chaloner (located at the very edge of the RRGSD boundary); thereby allowing both districts to more easily maintain the segregation of their schools. In 1965, the Justice Department found that this district-crossing arrangement perpetuated segregation and thus could not continue.²

Although the majority of Chaloner’s students were county residents, HCPS lacked capacity to accommodate them in its existing Black schools. RRGSD, with its relatively small Black population, could not afford to maintain its own segregated school. Rather than look at consolidating the racially disparate districts, the two school boards arranged for the Chaloner School to be leased to HCPS for a few years while the county built new schools to accommodate its students. At the end of the lease, Chaloner returned to RRGSD, which then converted the formerly K-12 Black school to a majority-White, newly renovated middle school.³

At the same time, Whites in the HCPS district attempted, with the help of the state legislature, to create new segregated school

districts in the county. The Scotland Neck City School District and the Littleton-Lake Gaston School District were created to carve out concentrated White refuges within Halifax County and prevent White students from being in the minority in HCPS. The United States Supreme Court ultimately ruled that creation of these districts undermined desegregation, and was therefore unconstitutional.⁴ Ironically, while the courts recognized the segregative impact of these additional districts in Halifax County, the overt racial disparities between the existing three districts has not drawn any legal scrutiny. Whites have successfully fled both HCPS and WCS, and are insulated and isolated in RRGSD. This is even more troubling in light of what appears to be the racially gerrymandered district boundaries of RRGSD, which extend beyond the city limits to include predominantly White neighborhoods, yet exclude some predominantly Black neighborhoods within the city (Figure 1).

Halifax County Minority Population (ages 15-19) and School Attendance Areas



Source: US Census 2000 and Halifax County data digitized by Tim Stallmann for CGISC.
Map produced January, 2011

Figure 1: Halifax County School Attendance Area and Municipal Boundary Comparison

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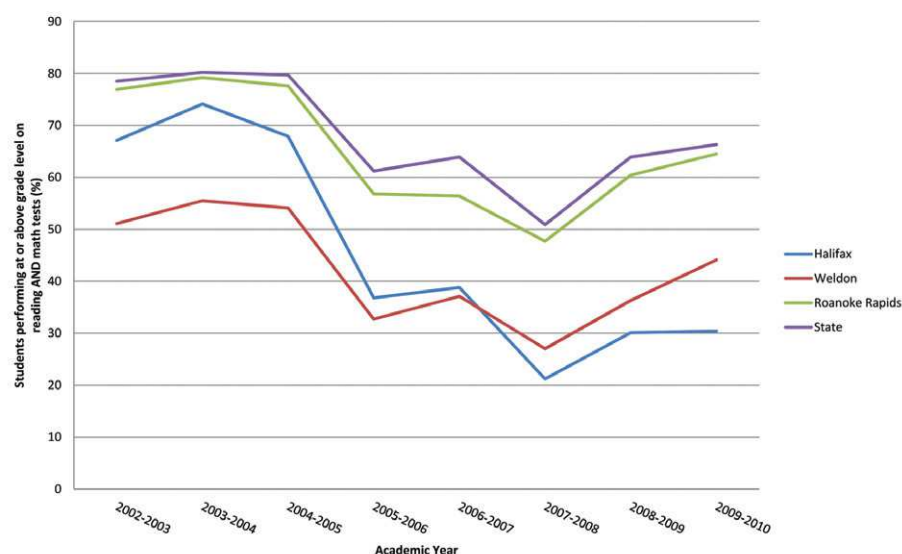


Figure 2. Halifax County End-of-Grade (EOG) Test Performance by School District, 2002-2010

A COMPARATIVE REVIEW: EDUCATIONAL OUTCOMES IN HALIFAX COUNTY’S THREE SCHOOL DISTRICTS

Today, consistent with the warnings of decades of education research that shows racial and socioeconomic isolation produces poor academic outcomes, HCPS and WCS are home to many of the lowest-performing schools in the state. In HCPS, only 37 percent of students in grades 3-8 scored at or above grade level on End-of-Grade (EOG) reading exams and 47.5 percent scored at or above grade level on EOGs for mathematics in the 2009-10 school year. In the same period, 48.4 percent of WCS students in grades 3-8 scored at or above grade level on the EOGs for reading and 67.2 percent scored at or above grade level on the EOGs for mathematics last year. Meanwhile, in RRGSD, 67.8 percent of students in grades 3-8 scored at or above grade level on the EOGs for reading and 83.5 percent scored at or above grade level on the EOGs for mathematics (Figure 2).⁵

In addition to test scores, there are significant differences among the three school districts in teacher turnover, teacher quality (as measured by various indicators), and teacher-reported working conditions. Given the primacy of high-quality teachers in ensuring effective educational outcomes, these differences have serious implications for student performance in each district.

The districts show drastically different abilities to recruit and retain high-quality teachers. Teaching experience also varies dramatically between HCPS, WCS and RRGSD. Within HCPS, 25 percent of elementary school teachers had 0-3 years of teaching experience in 2009-’10, while 31 percent of elementary teachers in WCS had limited or no teaching experience, compared to only 6 percent in RRGSD. The disparities are even greater in middle school: 21 percent with 0-3

years of experience in HCPS, 38 percent in WCS, but only 14 percent in RRGSD. The numbers are consistent in high schools, with 28 percent of teachers with 0-3 years of teaching experience in HCPS, 42 percent WCS, yet just 14 percent in RRGSD.⁶

The inequities in teacher experience levels do not completely account for the teacher-related disparities between the three districts. Teacher turnover for 2009-’10 also varied greatly, particularly in elementary and middle school. In elementary schools, the teacher turnover rate was 34 percent in HCPS, compared to 25 percent in WCS and 7 percent in RRGSD. In middle schools, the rate was 27 percent in HCPS, 19 percent in WCS, and 20 percent in RRGSD.⁷ In high schools the teacher turnover rate in HCPS was 34 percent and in RRGSD it was 13 percent. Data is not available for WCS high schools for 2009-’10 but was 20 percent in 2008-’09 (Figure 3). A survey of teacher perceptions of working conditions supports these statistical trends: teachers in the two majority-minority segregated districts experience the strongest feelings of frustration and community tension, identify a lack of a sense of trust and mutual respect in their work environments, and feel they work in facilities that are not conducive to learning.⁸

Grade Level	Halifax	Weldon	Roanoke Rapids
Teacher Turnover Rate in Elementary Schools	34%	25%	7%
Teacher Turnover Rate in Middle Schools	27%	19%	20%
Teacher Turnover Rate in High Schools	34%	N/A	13%

Figure 3. Halifax County Teacher Turnover Rates by School District, 2009-2010

Despite the substantial divergence in test scores and teacher experience and turnover, there is remarkable similarity in graduation rates across the county. HCPS's graduation rate for the 2009-'10 school year was 70.1 percent,⁹ WCS's graduation rate was 74.2 percent,¹⁰ and RRGSD's graduation rate was 74 percent.¹¹ Dropout rates among the districts also are comparable: 3.99 percent for HCPS and 4.01 percent for WCS in 2009-'10, while RRGSD had the highest dropout rate at 4.98 percent (Figure 4).¹²

While a number of other factors examined also showed disparities – including facilities, curricular and extracurricular offerings, teacher satisfaction surveys, and student discipline – it is imperative to note the funding differences between the three districts. Both WCS and RRGSD have a supplemental district tax, at a rate of 17 cents and 21 cents, respectively, per \$100 of property valuation. With county appropriations and supplemental taxes, RRGSD receives the largest amount of funding among the three districts. One primary use for these additional funds is teacher salary supplements. In 2009-'10, WCS paid salary supplements averaging \$373; RRGSD supplements averaged \$1,795.¹³ HCPS paid no teacher salary supplements.

ADDRESSING THE CONTINUING INJUSTICE OF THE TRIPARTITE SYSTEM

The data from the three districts demonstrates non-White children in all three districts in Halifax County suffer a substantial disadvantage as compared to their White peers in access to quality teachers, curricula and supportive learning environments. This pattern is not surprising, given the overwhelming amount of research establishing

that high-minority/high-poverty schools are much less likely to have access to essential educational components. Halifax County cannot meaningfully address the educational disparities within its borders without first dissolving the district boundaries that have served since their inception to entitle Whites and oppress Blacks in the community. These racialized divisions consign students to inadequate educational opportunities that directly result from the continuing racial and socioeconomic isolation in the county's schools.

The U.S. Supreme Court's school desegregation decisions following the landmark decision in *Brown v. Board of Education* suggest that, if Halifax County's tripartite system had been challenged in the 1960s or '70s, merger would likely have been the legal remedy. In 1972, *United States v. Scotland Neck* brought the issue of segregated school districts in Halifax County to the attention of the U.S. Supreme Court. In rejecting the creation of a separate school district in Scotland Neck that would establish a White refuge and undermine desegregation efforts in the county, the Court said:

School authorities "should make every effort to achieve the greatest possible degree of actual desegregation," and that . . . to remedy state-enforced school segregation there should be "a presumption against schools that are substantially disproportionate in their racial composition. . . . desegregation is not achieved by splitting a single school system operating 'white schools' and 'Negro schools' into two new systems, each operating unitary schools within its borders, where one of the two new systems, is, in fact, 'white' and the other is, in fact, 'Negro.'"¹⁴

While Scotland Neck involved the creation of a new White enclave district (rather than addressing the one that already existed within Roanoke Rapids and RRGSD), the analysis remains instruc-

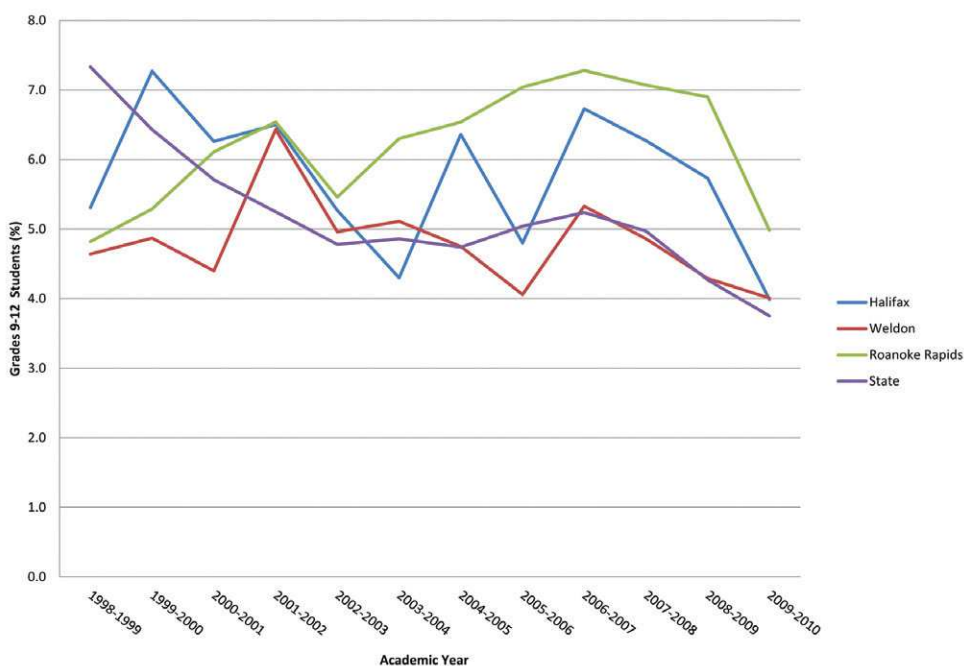


Figure 4. Halifax County Dropout Rates by School District, 1998-2010

tive. The Court had previously noted that "revision of school district and attendance areas" may be necessary to eliminate vestiges of racism,¹⁵ and that "[i]f segregation in public schools could be justified simply because of pre-*Brown* geographic structuring of school districts, the equal protection clause would have little meaning."¹⁶ It was clear then, as it is in Halifax County today, that school district lines can be used to justify the separation of White and Black schoolchildren, and thus the elimination of such barriers is an appropriate remedy.¹⁷

The tripartite system of schooling in Halifax County not only implicates the guarantee of equal protection under the U.S. Constitution, but also the state

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constitutional right to a sound basic education. The North Carolina Supreme Court has twice ruled that every child in the state is guaranteed the right of equal access to a sound basic education,¹⁸ and HCPS has been singled out for intensive judicial scrutiny for its difficulty in protecting this right.

The North Carolina courts began a targeted inquiry into HCPS in 2005 when the district’s two high schools were cited as among the lowest-performing in the state.¹⁹ In 2006, HCPS’s middle schools were added to the list of low-performing schools statewide in need of “turnaround.”²⁰ In April 2009, the court cited HCPS’s “failures to provide the children with the equal opportunity to receive a sound basic education,” declared the district guilty of “academic genocide,” and charged the North Carolina Department of Public Instruction (DPI) with the implementation of a three-year intervention plan in HCPS. Today, HCPS is the only school district in the state under court order to improve student academic performance.

Despite this continuing judicial and administrative oversight, the state has missed an opportunity to create an environment for true academic reform. The DPI intervention plan focuses on improving teachers, but ignores the existence of WCS and RRGSD and the resultant racial isolation in all schools in Halifax County. This racial isolation directly impacts access to resources and academic achievement. Enhancing instructional technique, while important, does nothing to address the broader school and community culture throughout Halifax County – critical factors in the recruitment and retention of high-quality teachers and improvement of student performance. Inherent in the North Carolina Supreme Court’s ruling in *Leandro v. State* is the state’s responsibility to implement strategies that promote equity among school districts, which must necessarily include remedying the continuing impacts of racial segregation.

The legacy of the separation of the county’s three school districts and its direct educational impacts have been ignored by the *Leandro* court however, even in the face of evidence that all students in Halifax County are being denied a sound basic education because of resistance to remedying segregation in the county’s schools. The court’s refusal to address school segregation – particularly in Halifax County, where school diversity is a readily attainable outcome – highlights the failure of *Leandro* to repair not only HCPS, but all schools in Halifax County, and in fact, all schools in the state that face the impacts of segregation and resegregation.

THE CONSTITUTIONAL NEED FOR A UNIFIED DISTRICT

The scope and extent of segregation among the three school districts and the related adverse impacts on educational outcomes in the county implicate both state and local actors in the maintenance of the district lines.

The Scotland Neck case points to the state’s and county’s responsibility for maintaining segregated school districts in Halifax County. The Court’s “White refuge” holding demands that the community, policy-makers, education reformers, advocates and elected officials critically analyze the origins and impacts of the tripartite system and the rationales used to justify its continued existence. Such an analysis leads to an inescapable conclusion that Halifax County’s schools remain segregated and unequal because both the state and the county have permitted RRGSD to remain a racially exclusive White enclave.

As shown by interviews collected from Halifax families, historical documentation and other data, the stigma of racial inferiority deplored by the Court in *Brown* continues to plague students, parents, teachers and administrators in HCPS and WCS. Some Roanoke Rapids residents have rejected the idea of merging with HCPS on the grounds that doing so would “lower the standards” in the Roanoke Rapids schools and “damage” the city’s system.²¹ Meanwhile, Halifax County and Weldon City district residents are keenly aware of their exclusion from the “better” school district, but seem resigned to the idea that White power interests would never allow a merger to happen.²² By endorsing and maintaining this segregated system, Halifax County and the state are complicit in exacerbating the substantive harms of what should be a by-gone era of racial oppression.

Creating a unified Halifax County public school district would be a significant first step toward protecting the constitutional rights of all children in Halifax County, and would create an atmosphere where student achievement could flourish. A unified Halifax County school system would be an average-sized school district in North Carolina, with a likely enrollment of fewer than 10,000 students. A single district would allow the county to most effectively and holistically develop and implement reform strategies to improve student outcomes, and address issues of declining student enrollment, scarce resources and racial isolation. The elimination of the gerrymandered school district boundaries would encourage more efficient student assignment, better utilization of schools and more equitable access to educational and community resources, as well as greater racial diversity. A unified district would also be better able to attract and retain high-quality teachers, one of the most critical elements for improving student performance.

Most importantly, district unification could create an environment conducive to true education reform by addressing old racial tensions and providing opportunities for meaningful integration and cultural responsiveness within the county's schools. A unified system would provide Halifax County the opportunity to become a statewide leader not only on the continuing relevance of school integration, but also in addressing the range of particular challenges facing rural schools, problems often ignored by policymakers' focus on urban/suburban districts. Finally, the elimination of the tripartite system has the potential to improve more than just the educational quality in the county's schools. A unified, county-wide commitment to enhanced educational outcomes for all children will also likely impact a number of critical factors affecting economic development in the area, including population growth, property values, and employment opportunities.

To the Center's knowledge, this is the first document of any sort that combines a comprehensive discussion of the history of the three school districts in Halifax County; a detailed, comparative analysis of the educational outcomes of all three districts; and the legal implication of maintaining these separate and segregated systems. The UNC Center for Civil Rights is uniquely poised to release this report because of its connections in the community, the pervasive segregation in rural communities of interest to the Center's education and inclusion work, and the unique legal and policy issues at play in Halifax County. The Center is painfully aware that the tripartite school system continues to harm not only all students, but all residents of Halifax County. A unified school district is the necessary first step for the community to meet the twin constitutional obligations of equal protection and the provision of a sound basic education, and to begin the process of racial healing and collective progress in the county.

¹ *Data and Reports, North Carolina Department of Public Instruction*, <http://www.ncpublicschools.org/fbs/resources/data/> under "FREE & REDUCED MEALS APPLICATION DATA," download the document for 2009-2010 (last visited April 25, 2011). Used data in this document to calculate each group's total. Rounded to nearest whole number.

² See Roanoke Rapids Greater School District Board of Education, Minutes (Mar. 29, 1966).

³ See Halifax County Public Schools Board of Education, Minutes (Apr. 6, 1970); see also, Lesley Bartlett, Marla Frederick, Thaddeus Gulbrandsen, and Enrique Murillo, *The Marketization of Education: Public Schools for Private Ends*, 33 ANTHROPOLOGY & EDUC. Q. 1 (2002).

⁴ *United States v. Scotland Neck*, 407 U.S. 484, 490 (1972).

⁵ *N.C. Dep't of Pub. Instruction*, <http://www.ncschoolreportcard.org/src/distDetails.jsp?Page=3&pLEACode=420&pYear=2009-2010&pDataType=1>; <http://www.ncschoolreportcard.org/src/distDetails.jsp?Page=3&pLEACode=421&pYear=2009-2010&pDataType=1>; <http://www.ncschoolreportcard.org/src/distDetails.jsp?Page=3&pLEACode=422&pYear=2009-2010&pDataType=1> (last visited April 26, 2011).

⁶ *Id.*

⁷ *Id.*

⁸ *2010 Teacher Working Conditions Survey, N.C. Dep't of Pub. Instruction*, <http://ncteachingconditions.org/> (last visited April 26, 2011). The Teacher Working Condition survey is an annual, online, anonymous questionnaire accessible to all public educators in North Carolina. Funded by the General Assembly, the Survey is conducted under the leadership of the Governor's Office, State Board of Education and the NC Teacher Working Conditions Advisory Committee and administered by the NC Professional Teaching Standards Commission.

⁹ *N.C. Dep't of Pub. Instruction*, <http://www.ncschoolreportcard.org/src/distDetails.jsp?Page=3&pLEACode=420&pYear=2009-2010&pDataType=1> (last visited April 26, 2011). Considering a four-year cohort in Halifax County, the graduation rate was 70.1 percent for all students, 66.7 percent for American Indian students, 70.7 percent for Black students, 71.9 percent for economically disadvantaged students, and 60.5 percent for students with disabilities (White, Hispanic, Asian-Pacific Islander, Multi-Racial, and LEP students "N/A" for this cohort data).

¹⁰ *N.C. Dep't of Pub. Instruction*, <http://www.ncschoolreportcard.org/src/distDetails.jsp?Page=3&pLEACode=422&pYear=2009-2010&pDataType=1> (last visited April 26, 2011). Considering a four-year cohort in Weldon City schools, the graduation rate was 74.2 percent for all students, 74.7 percent for Black students, 75.7 percent for economically disadvantaged students, and 80.0 percent for students with disabilities. (White, Hispanic, American Indian, Asian-Pacific Islander, Multi-Racial, and LEP students "N/A" for this cohort data).

¹¹ *N.C. Dep't of Pub. Instruction*, <http://www.ncschoolreportcard.org/src/distDetails.jsp?Page=3&pLEACode=421&pYear=2009-2010&pDataType=1>, *Id.* (last visited April 26, 2011). Considering a four-year cohort in Roanoke Rapids City schools, the graduation rate was 74.0 percent for all students, 77.8 percent for Black students, 73.7 percent for white students, 61.8 percent for economically disadvantaged students, and 50.0 percent for students with disabilities. (Hispanic, American Indian, Asian-Pacific Islander, Multi-Racial, and LEP students "N/A" for this cohort data).

¹² *N.C. Dep't of Pub. Instruction*, <http://www.ncpublicschools.org/docs/research/discipline/reports/consolidated/consolidated-report.pdf> (last visited April 26, 2011).

¹³ *N.C. Dep't of Pub. Instruction, North Carolina 2009-2010 Salary Supplements*, <http://www.ncpublicschools.org/fbs/finance/salary/> (last visited April 26, 2011).

¹⁴ *United States v. Scotland Neck*, 407 U.S. 484, 490 (1972).

¹⁵ *Brown v. Board of Educ.*, 349 U.S. 294, 300-301 (1955).

¹⁶ *Haney v. County Bd. of Educ.*, 410 F.2d 920, 924 (8th Cir. 1969).

¹⁷ *Id.*

¹⁸ *Leandro v. State*, 346 N.C. 336, 488 S.E.2d 249 (1997), *Hoke County Bd. of Educ. v. State*, 358 N.C. 605, 599 S.E.2d 365 (2004).

¹⁹ *Hoke County Bd. of Educ. v. State*, Report from the Court: The High School Problem (2005).

²⁰ *N.C. Middle and High School Turnaround Model, N.C. Dep't of Pub. Instruction*, <http://www.ncpublicschools.org/schooltransformation/turnaround/> (last visited April 26, 2011).

²¹ Bartlett et al, *supra* note 3.

²² *Id.* The county's African American residents might also fear the loss of Black political control that a merger would likely bring—not an irrational fear, given the mistakes made during integration when Black schools were shut down and Black teachers' and administrators' positions eliminated.

About the Center for Civil Rights

Housed within the University of North Carolina School of Law, the Center for Civil Rights strives to make America's promise of justice and opportunity a reality by helping excluded communities transcend institutionalized boundaries of race, class and place. Through legal representation, outreach, research, and, when necessary, litigation, the Center has implemented strategies to address the discrimination that limits opportunities for African American and low wealth individuals, families and communities. While the Center's work is primarily directed toward providing legal support for grassroots advocacy, it is also designed to achieve broad impact by concentrating on the connections between these critical issues at the local, state and national levels.

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